

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

DAVID GREINER,

Plaintiff,

v.

THE UNITED STATES VIRGIN ISLANDS,
THE VIRGIN ISLANDS BUREAU
OF INTERNAL REVENUE,

Defendants.

CIVIL NO. 2009-133

ORDER

THIS MATTER is before the Court on plaintiff's motion to re-depose and compel responses to certain questions asked in deposition of witness Naomi Maynard Julien. In filing the motion, plaintiff failed to comply with Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule of Civil Procedure 37.2. Plaintiff did not confer with defendant in an effort to resolve the disputed issues without a motion, nor did the motion contain the required certification. For this reason alone, plaintiff's motion should be denied.

In addition, however, plaintiff has failed to demonstrate why he should be entitled to responses to specific questions asked at the deposition. Rather, plaintiff sets out large passages of questions, some of which were objected to and some of which were not, some of which answered and some of which were not. It is practically impossible to tell which areas are those of real concern to plaintiff. Moreover, in those areas in which the witness was apparently instructed not to respond, it is difficult at best to discern how the responses sought would produce admissible evidence or lead to the discovery of such evidence.

Accordingly, it is hereby

ORDERED that plaintiff's motion is DENIED without prejudice.

DATED: May 9, 2011

S/
RUTH MILLER
United States Magistrate Judge